

REMARKS

I. Background

The present Amendment is in response to the Examiner's Office Action mailed May 24, 2006. At the time of the Office Action, claims 11-16, 21-32, 38-42, 46-51, and 54-56, and 60-78 were pending in the application, although claims 77 and 78 were not identified by the Examiner. The Examiner indicated that claims 11, 12, 14-16, 63 and 65-67 were allowable and that claims 22, 25, 26, 47-49, 51, 54-56, 60-62, 64, 70, 71, and 73 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Applicants note that claim 47 is an independent claim, and as such, is allowable as currently stands.

By this Amendment, claims 13, 21, 27, 29, 38, 40, 46, 50, 60, 64, 68, 69, 72, and 74 have been amended and claims 26 and 76 have been cancelled. Accordingly, claims 11-16, 21-25, 27-32, 38-42, 46-51, and 54-56, 60-75, 77 and 78 remain pending for consideration.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

II. Proposed Amendments

Portions of the specification were amended to update the status of the identified patent applications in accordance with the Examiner's request. Claim 46 was amended to correct its dependency, claim 76 was canceled, and claims 13, 29-31, 38, 40, 47, 50, 64, 68, 72 and 74 were amended in light of the objection raised by the Examiner. The amendments are fully supported by the figures, specification, and claims as originally filed. In view of the foregoing discussion, Applicant submits that the amendments to the specification and claims do not introduce new matter and entry thereof is respectfully requested.

III. Rejection under 35 U.S.C. § 102

The Examiner rejected claims 21, 23, 24, 27, 28, 31, 32, 38-42, 46, 68, 69, 72, and 74-76 under 35 U.S.C. § 102(b) as being anticipated by *Epstein et al.* (WO 00/06029). Applicants respectfully traverse.

Epstein discloses an "Expansile Device for Use in Blood Vessels and Tracts in the Body and Method." (*Abstract*) As cited by the Examiner, *Epstein* discloses "a closure element (sealant in syringe 82-87)" (Page 4, lines 5-6). Independent claims 21, 27, 40, and 68 have been amended to recite "the closure element comprising a clip." *Epstein* neither teaches nor suggests the inclusion of a clip as the closure element. As such, claims 21, 23, 24, 27, 28, 31, 32, 38-42, 46, 68, 69, 72, and 74-76 are hereby presented in allowable form, and Applicants respectfully request the rejections to the claims be withdrawn.

IV. CONCLUSION

In view of the foregoing, Applicants believe the claims provided in the claim listing are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 14th day of August, 2006.

Respectfully submitted,

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